

Case No. A-9983-C

Applicant: Owner Entity Fund II, LLC
(Mosaic at Turtle Creek)

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL

ZONING ORDINANCE NO. 17 - 2006

AN ORDINANCE to amend the Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland, by reclassifying private property, subject to conditions.

WHEREAS, Application No. A-9983-C was filed for property presently owned by the State of Maryland, described as approximately 8.6 acres in the R-55 Zone, south of Campus Drive and about 300 feet west of Mowatt Lane, a portion of Parcel 43, Tax Map 7, in College Park, Maryland, to rezone the property to the R-10 Zone, for proposed residential development; and

WHEREAS, the applicant has followed the procedures in Section 27-113.04 of the Zoning Ordinance, permitting the rezoning of property by an abbreviated procedure, where property is held by the State for the University of Maryland and then is conveyed to a private purchaser; and

WHEREAS, the applicant has complied with pre-application informational mailing requirements and has filed all materials for the proposed rezoning with the District Council and the Technical Staff of the Planning Commission; and

WHEREAS, the Technical Staff has filed a report on the application, a report recommending approval of the application, with conditions, and the District Council has considered the report; and

WHEREAS, the property was posted for a hearing before the District Council, in accordance with all Zoning Ordinance requirements; and

WHEREAS, in accordance with the provisions of Section 27-113.04, the District Council held a public hearing on the application; and

WHEREAS, having reviewed the record, including the Technical Staff report and exhibits submitted prior to and at the public hearing, and having considered argument from the applicant and other parties of record, the District Council has determined that the application should be granted, and the subject property should be reclassified to the R-10 Zone; and

WHEREAS, to protect adjacent properties and the neighborhood, this rezoning is approved subject to conditions; and

WHEREAS, as the basis for this action, the District Council adopts the report of the Technical Staff, together with the following, as its findings and conclusions in this case:

A. As stated by the applicant and agreed to in part by staff, *see* pp. 6-15 of the staff report, the proposed R-10 zoning tends to comply with the principles and recommendations in the University Master Plan, approved in 2002. The applicant proposes a multifamily structure with up to 300 dwelling units on 8.6 acres of land, next to the University of Maryland campus.

B. The neighborhood, as defined by staff, is bounded on the north by Campus Drive, on the east by Mowatt Lane, on the south Wells Parkway and Calverton Drive, and on the west by Adelphi Road. Development of the subject site at reduced R-10 densities, with detailed site plan review, will be in accordance with the principles and recommendations of the General Plan.

C. The Council also agrees with staff that the applicant's proposed development, and other development permitted in the R-10 Zone, subject to the conditions attached to this approval, will be not incompatible with adjoining properties or others in the neighborhood. The applicant's traffic analysis, approved in general by staff, shows that the neighborhood will not suffer undue traffic congestion or safety effects, and detailed site plan review will ensure that the development is compatible with surrounding uses and the neighborhood.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. The Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland, is hereby amended by reclassifying the property which is the subject of Application No. A-9983-C from the R-55 Zone to the R-10 Zone.

SECTION 2. Approval of Application No. A-9983-C is subject to the following conditions:

1. The exact number of dwelling units for the subject property shall be determined at the time of Detailed Site Plan review. The number shall not exceed 300 dwelling units.
2. Detailed Site Plan review shall include, but not be limited to determinations that:
 - a. The wooded stream valley buffer will act as a visual screen and provide an attractive nature walk area for neighborhood residents, including the single family homes to the south.
 - b. The stream buffer preserves the stream valley, to the greatest extent possible. The buffer should be 100 feet, unless the applicant can justify a smaller width.
 - c. An implementation strategy is created, to guarantee the promotion and availability of transit opportunities and usage for all residents and visitors, to facilitate easy access to the University of Maryland campus and its activities, while minimizing vehicle trips and parking demands.
 - d. The building design is attractive, complementing the design of buildings on the University of Maryland, and will create a high-quality and innovative housing complex.

- e. The housing complex is clearly identified, through site design and pedestrian linkages, as part of the University of Maryland campus, and is tied visually and physically to the main campus.
 - f. Building design and site design meet the goals of the University of Maryland facilities plan, to:
 - Plan the built and natural environment in a way that preserves the beauty of the campus and protects the environment;
 - Reduce the number of automobiles on campus, and eliminate vehicular congestion, as far as possible;
 - Reinforce the campus's role as a good neighbor in the larger community, by the careful development of sites on the campus periphery or in outlying areas that link to the community; and
 - Preserve the architectural heritage of the campus, and enhance it, through open spaces, gathering places, vistas of green lawn and trees, and groupings of building that promote a sense of community.
 - g. Ninety-five percent of the necessary parking is structured.
3. At the time of preliminary plan of subdivision, the applicant shall submit plans, to be approved by the Department of Public Works and Transportation, to ensure that Mowatt Lane can be upgraded, to provide adequate access to the site.

SECTION 3. This Ordinance shall become effective on the date of its enactment, and the rezoning approved herein shall become effective when the applicant accepts in writing the conditions in Section 2.

Ordered this 18th day of September, 2006, for initial approval, by the following vote:

In Favor: Council Members Dernoga, Bland, Campos, Dean, Exum, Harrington, Hendershot, Knotts and Peters

Opposed:

Abstained:

Absent:

Vote: 9-0

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON
REGIONAL DISTRICT IN PRINCE GEORGE'S
COUNTY, MARYLAND

By: _____
Thomas E. Dernoga, Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

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Applicant: Owner Entity Fund II, LLC
(Mosaic at Turtle Creek)

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL

FINAL CONDITIONAL ZONING APPROVAL

AN ORDER to incorporate the applicant's acceptance of conditional zoning and to grant final conditional zoning approval.

WHEREAS, the District Council approved Application No. A-9983-C to rezone the subject property from the R-55 Zone to the R-10 Zone, attached conditions; and

WHEREAS, the applicant has duly consented in writing to the conditions; and

WHEREAS, the District Council, having reviewed the application and the administrative record, deems it appropriate to accept the applicant's consent to the conditions and to approve final conditional rezoning.

IT IS, THEREFORE, ORDERED:

1. Final conditional zoning approval of Application No. A-9983-C is hereby granted. The applicant's written acceptance of the conditions referred to above, at the time of initial conditional rezoning approval, is hereby incorporated into this amendment of the Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland.

2. Use of the subject property as conditionally rezoned shall be subject to all requirements in the applicable zones and to the requirements in the conditions referred to above. Failure to comply with any stated condition shall constitute a zoning violation and shall be sufficient grounds for the District Council to annul the rezoning approved herein; to revoke use and

occupancy permits; to institute appropriate civil or criminal proceedings; or to take any other action deemed necessary to obtain compliance.

3. This Ordinance is effective on October 12, 2006, the date of receipt of the applicant's acceptance of the conditions imposed.

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

BY: _____
Thomas E. Dernoga
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council